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NOTIFICATION

LD (b) 3-1503|52|Law.

The following Act, passed by the Legislative Assembly and assented to by His Highness the Rajpramukh, is hereby published for general information.

By order of His Highness
the Rajpramukh,

Government Secretariat,
Law Department,
Trivandrum,
6th August, 1952.

N. S. RADHAKRISHNA SARMA,
Secretary to Government.

ACT XV OF 1952.

THE TRAVANCORE-COCHIN PANCHAYATS (AMENDMENT) ACT.

Preamble.

Whereas it is deemed necessary to amend the Travancore-Cochin Panchayats Act, 1950 (Act II of 1950), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Travancore-Cochin Panchayats (Amendment) Act, 1952.

(2) It shall come into force at once.

Substitution of new sections for Sections 7 and 8, Act II of 1950.

2. For Sections 7 and 8 of the Travancore-Cochin Panchayats Act, 1950 (Act II of 1950), hereinafter referred to as the said Act, the following sections shall be substituted, namely:—

Election of members.

"7. (1) The members of a Panchayat shall, save as otherwise expressly provided in this Act, be elected in such manner as may be prescribed.

(2) Where the number of Scheduled Castes and Scheduled Tribes electors in a panchayat area is not less than five per cent of the total number of electors in that panchayat area, one seat shall be reserved in the Panchayat for Scheduled Castes and Scheduled Tribes.

(3) Notwithstanding anything contained in sub-section (2), the provisions of this Act relating to reservation of a seat for Scheduled Castes and Scheduled Tribes in the Panchayat shall cease to have effect on the expiration of a period of nine years from the date on which the members elected at the first ordinary elections after the commencement of this Act, enter upon office :

Provided that nothing in this sub-section shall affect any representation in the Panchayat until the expiration of the term of the then existing Panchayat.

(4) Nothing contained in sub-section (2) shall be deemed to prevent members of Scheduled Castes and Scheduled Tribes for whom a seat has been reserved in a Panchayat from standing for election to the non-reserved seats in that Panchayat.

(5) For the purposes of this Act, "Scheduled Castes" and "Scheduled Tribes" shall mean the castes and tribes which the Government may by notification in the Gazette declare to be Scheduled Castes and Scheduled Tribes.

Division into wards and method of election.

8. (1) For the purposes of election of members to a Panchayat, the Government may by notification in the Gazette—

(a) divide the panchayat area into as many wards as there are non-reserved seats; and

(b) determine the ward in which the seat, if any, reserved under sub-section (2) of Section 7 shall be set apart.

(2) Except in the case of the ward in which the seat, if any, determined under clause (b) of sub-section (1), one member shall be elected for each ward.

(3) Each of the wards determined under clause (b) of sub-section (1) shall elect two members, one of whom shall be a member of any of the Scheduled Castes or Scheduled Tribes.

(4) All the electors of a ward shall be entitled to vote at an election to any seat in that ward, whether reserved or non-reserved.

(5) In a ward where a seat is reserved for Scheduled Castes and Scheduled Tribes, every elector shall have as many votes as there are members to be elected, but no elector shall give more than one vote to any one candidate.

(6) If an elector gives more than one vote to any one candidate in contravention of the provisions of sub-section (5), then, at the time of counting of votes, only one of the votes given by him to such candidate shall be taken into account and the other vote given by him to such candidate shall be rejected as void.

(7) When issuing under sub-section (1) a notification which materially alters the existing division of a panchayat area into wards, the Government may direct that the alteration shall take effect from the date of the next ordinary elections.

(8) When the number of members to be returned by a ward is altered or when a new ward is formed or when an existing ward is abolished, the election authority shall with the approval of the Government determine—

(*a*) the ward which each member then on the Panchayat shall be deemed to represent; and

(*b*) the ward or wards in which elections shall be held to fill up vacancies, if any, in the Panchayat.

(9) The elections under this section shall be by ballot."

Substitution of new sections for Section 11, Act II of 1950.

3. For Section 11 of the said Act, the following sections shall be substituted, namely :—

Qualifications for inclusion in electoral roll for the panchayat area and publication thereof.

"11. (1) Subject to the provisions of sub-section (2), every person whose name is included in such part of the electoral roll for any Assembly Constituency as relates to the panchayat area or any portion thereof shall be entitled to be included in the electoral roll for the panchayat area prepared for the purposes of this Act, and no other person shall be entitled to be included therein.

Explanation.—Where in the case of any Assembly Constituency, there is no distinct part of the electoral roll relating to the panchayat area, all persons whose names are

entered in such roll under the registration area comprising the panchayat area and whose addresses as entered in such roll are situated in the panchayat area shall be entitled to be included in the electoral roll for the panchayat area prepared for the purposes of this Act.

(2) No person who belongs to the category of persons referred to in sub-sections (3), (4) and (6) of Section 20 of the Representation of the People Act, 1950 and who is entitled, in pursuance of clause (a) of Section 60 of the Representation of the People Act, 1951 and the rules framed thereunder to give his vote by postal ballot shall be entitled to be included in the electoral roll for the Panchayat area prepared for the purposes of this Act.

(3) The name of any person shall not be included in the electoral roll for a panchayat area in more than one place.

(4) As soon as may be after the electoral rolls for the Assembly Constituencies which consist of or comprise the panchayat area or any portion thereof have been published, revised or amended in pursuance of the Representation of the People Act, 1950, any person authorised by the election authority in this behalf shall publish, in such manner as the Government may direct, the portions of the said rolls which relate to the panchayat area or of the alterations therein as the electoral roll for the panchayat area or as alterations to such roll, as the case may be.

(5) The electoral roll for the panchayat area shall be divided into separate parts for each ward.

(6) Where, after the electoral roll for a panchayat area or any alterations thereto have been published under sub-section (4), the panchayat area is divided into wards for the first time, or the division of the panchayat area into wards is altered, or the limits of the panchayat area are varied, the election authority shall, as soon as may be after such division or alteration or variation, as the case may be, in order to give effect to the division of the panchayat area into wards or to the alteration of the wards or to the variation of the limits, as the case may be, authorise a re-arrangement and republication of the electoral roll for the panchayat area or any part of such roll in such manner as the Government may direct.

(7) The electoral roll for the panchayat area published under sub-section (4) as revised by any alterations thereto subsequently published under that sub-section or under sub-section (6) shall remain in force until the publication of a fresh electoral roll for the panchayat area under sub-section (4).

(8) Every person whose name appears in the electoral roll for the panchayat area as so revised shall, so long as it remains in force, be entitled, subject to the provisions of this Act, to vote at an election; and no person whose name does not appear in such roll shall vote at an election:

Provided that a person who is of unsound mind and stands so declared by a competent court shall not be entitled to vote at any election.

Explanation.—In this section and Section 11 A, the expression "Assembly Constituency" shall mean a Constituency determined by order made under Section 9 of the Representation of the People Act, 1950, for the purpose of elections to the Travancore-Cochin Legislative Assembly.

Power to correct electoral roll.

11 A. Notwithstanding anything contained in Section 11, the election authority may, after making such inquiry as he thinks fit, publish in such manner as the Government may direct, amendments to the electoral roll for any panchayat area for the purpose of bringing it into accord with the electoral roll for the relevant Assembly Constituency."

Amendment of Section 12, Act II of 1950.

4. For clause (c) of Section 12 of the said Act, the following clause shall be substituted, namely:—

"(c) in the case of a seat reserved for Scheduled Castes and Scheduled Tribes, he is himself a member of any of the Scheduled Castes or Scheduled Tribes."

Amendment of Section 118, Act II of 1950.

5. In Section 118 of the said Act, for the brackets, figures and word "(VI of 1100)," the brackets, figures and word "(VII of 1100)" shall be substituted and shall be deemed always to have been substituted.

NOTIFICATION

LD (b) 3-1504|52|Law.

The following Act, passed by the Legislative Assembly and assented to by His Highness the Rajpramukh, is hereby published for general information.

By order of His Highness
the Rajpramukh,

Government Secretariat,
Law Department,
Trivandrum,
6th August 1952.

N. S. RADHAKRISHNA SARMA,
Secretary to Government.

ACT XVI OF 1952

THE TRAVANCORE-COCHIN CIVIL COURTS (AMENDMENT) ACT

Preamble.

WHEREAS it is deemed expedient to amend the Travancore-Cochin Civil Courts Act, 1951 (Act XXII of 1951), for the purposes hereinafter appearing;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Travancore-Cochin Civil Courts (Amendment) Act, 1952.

(2) It shall come into force on such date (hereinafter referred to as the "appointed day") as the Government may, by notification in the Gazette, appoint.

Amendment of Section 12, Act XXII of 1951.

2. In sub-section (4) of Section 12 of the Travancore-Cochin Civil Courts Act, 1951 (Act XXII of 1951), hereinafter referred to as the said Act, for the abbreviation and figures "Rs. 2000", the abbreviation and figures "Rs. 3000" shall be substituted.

Amendment of Section 13, Act XXII of 1951.

3. In Section 13 of the said Act, for the abbreviation and figures "Rs. 100", the abbreviation and figures "Rs. 200" shall be substituted.

Amendment of Section 22, Act XXII of 1951.

4. In sub-section (1) of Section 22 of the said Act, for the words "except when the amount or value of the subject matter exceeds two thousand rupees" the words "except when the amount or value of the subject-matter of the suit exceeds three thousand rupees" shall be substituted.